

Marion, Leslie L

From: Marion, Leslie L
Sent: Tuesday, October 16, 2018 9:28 AM
To: '61502-71104675@requests.muckrock.com'
Subject: FOIA Requests 61508-95117409 & 61502-71104675
Attachments: 2018-10-15 - FOIA attachments to Ms. Lipton.pdf

Beryl Lipton:

Please find attached a copy of your FOIA request dated October 15, 2018. I am sending this to 61502-71104675@requests.muckrock.com. The previous replies to the same FOIA were sent to 61508-95117409@requests.muckrock.com. I am attaching the three copies of your FOIA received in this office, as well as a copy of the original reply.

Thank you,

Leslie L. Marion

Secretary II, Legal Department
Office of the Secretary,
Dept. of Military Affairs and Public Safety
Division of Corrections & Rehabilitation
Capitol Complex
Building 1, Suite W-400
1900 Kanawha Boulevard East
Charleston, WV 25305
Leslie.L.Marion@wv.gov
304-558-2930
304-558-1141 (Fax)

Division of Corrections
FOIA Office
1409 Greenbrier Street
Charleston, WV 25311

October 15, 2018

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following West Virginia Freedom of Information Act request, copied below, and originally submitted on Sept. 20, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com
E-mail (Preferred): 61502-71104675@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 61502
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Sept. 20, 2018:

To Whom It May Concern:

Pursuant to the West Virginia Freedom of Information Act, I hereby request the following records:

- All policies related to the employment and payment of incarcerated persons under the jurisdiction of this agency.
- The most recent report regarding currently-employed incarcerated persons under the jurisdiction of this agency. Please include all available segregable information, including the type of employment, the wage at which the employment occurs, and any other applicable information. Please do not include any personally identifying information.
- All reports regarding post-incarceration employment for individuals formally under the jurisdiction of this agency.

If no such reports exist and if reports with equivalent information also do not exist, confirmation of the fact that no data at all exists on this subject will suffice.

Please feel free to call the MuckRock office for further clarification: 617-299-1832.

The requested documents will be made available to the general public, and this

request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Beryl Lipton

Filed via MuckRock.com

E-mail (Preferred): 61502-71104675@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 61502

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Marion, Leslie L

From: Marion, Leslie L
Sent: Tuesday, October 9, 2018 9:35 AM
To: '61508-95117409@requests.muckrock.com'
Subject: FOIA dated October 3, 2018
Attachments: 2018-10-05 -FOIA follow-up rec'd 61508-95117409.pdf; 2018-10-05 - FOIA reply re 61508-95117409.pdf

Ms. Lipton:

Attached is a copy of the FOIA request follow-up dated October 3, 2018. Also attached is the reply sent to you regarding your FOIA request follow-up dated September 28, 2018.

Thank you,

Leslie L. Marion

Secretary II, Legal Department
Office of the Secretary,
Dept. of Military Affairs and Public Safety
Division of Corrections & Rehabilitation
Capitol Complex
Building 1, Suite W-400
1900 Kanawha Boulevard East
Charleston, WV 25305
Leslie.L.Marion@wv.gov
304-558-2930
304-558-1141 (Fax)

Division of Corrections
FOIA Office
1409 Greenbrier Street
Charleston, WV 25311

Legal

October 3, 2018

OCT 5 2018

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following West Virginia Freedom of Information Act request, copied below, and originally submitted on Sept. 20, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com
E-mail (Preferred): 61508-95117409@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 61508
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Sept. 20, 2018:

To Whom It May Concern:

Pursuant to the West Virginia Freedom of Information Act, I hereby request the following records:

- All policies related to the employment and payment of incarcerated persons under the jurisdiction of this agency.
- The most recent report regarding currently-employed incarcerated persons under the jurisdiction of this agency. Please include all available segregable information, including the type of employment, the wage at which the employment occurs, and any other applicable information. Please do not include any personally identifying information.
- All reports regarding post-incarceration employment for individuals formally under the jurisdiction of this agency.

If no such reports exist and if reports with equivalent information also do not exist, confirmation of the fact that no data at all exists on this subject will suffice.

Please feel free to call the MuckRock office for further clarification: 617-299-1832.

The requested documents will be made available to the general public, and this

request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Beryl Lipton

Filed via MuckRock.com

E-mail (Preferred): 61508-95117409@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 61508

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Division of Corrections
FOIA Office
1409 Greenbrier Street
Charleston, WV 25311

September 28, 2018

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following West Virginia Freedom of Information Act request, copied below, and originally submitted on Sept. 20, 2018. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

Filed via MuckRock.com
E-mail (Preferred): 61508-95117409@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 61508
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

On Sept. 20, 2018:

To Whom It May Concern:

Pursuant to the West Virginia Freedom of Information Act, I hereby request the following records:

- All policies related to the employment and payment of incarcerated persons under the jurisdiction of this agency.
- The most recent report regarding currently-employed incarcerated persons under the jurisdiction of this agency. Please include all available segregable information, including the type of employment, the wage at which the employment occurs, and any other applicable information. Please do not include any personally identifying information.
- All reports regarding post-incarceration employment for individuals formally under the jurisdiction of this agency.

If no such reports exist and if reports with equivalent information also do not exist, confirmation of the fact that no data at all exists on this subject will suffice.

Please feel free to call the MuckRock office for further clarification: 617-299-1832.

The requested documents will be made available to the general public, and this

request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Beryl Lipton

Filed via MuckRock.com

E-mail (Preferred): 61508-95117409@requests.muckrock.com

For mailed responses, please address (see note):

MuckRock News

DEPT MR 61508

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request was filed by a MuckRock staff reporter. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.



STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS & PUBLIC SAFETY
DIVISION OF CORRECTIONS AND REHABILITATION



BETSY C. JIVIDEN
COMMISSIONER

JEFF S. SANDY, CAMS, CFE
CABINET SECRETARY

OFFICE OF THE COMMISSIONER
1409 GREENBRIER STREET
CHARLESTON, WV 25311
(304) 558-2036 TELEPHONE - (304) 558-5367 FAX

October 5, 2018

Beryl Lipton
MuckRock News
Dept MR 61508
411A Highland Ave
Somerville, MA 02144-2516
email: 61508-95117409@requests.muckrock.com

COPY

Re: FOIA

Ms. Lipton

Please be advised that this letter is in response to your Freedom of Information request received by the West Virginia Division of Corrections and Rehabilitation (WVDCR), dated September 28, 2018. This office did not receive the earlier request dated September 20, 2018. For future reference the fax number to send FOIA requests to WVDCR is 304-558-5367.

Specifically, you have requested:

- *"All policies related to the employment and payment of incarcerated persons under the jurisdiction of this agency"*
- *"The most recent report regarding currently-employed incarcerated persons under the jurisdiction of this agency. Please include all available segregable information, including the type of employment, the wage at which the employment occurs, and any other applicable information. Please do not include and personally identifying information."*
- *"All reports regarding post-incarceration employment for individuals formally under the jurisdiction of this agency."*

Pursuant to West Virginia Code § 29B-1-3 you have the general right to inspect public records within the custody of a state agency, subject to certain limitations. Please be advised that the West Virginia Freedom of Information Act does not require a public agency to copy and send information in response to questions, but to provide access to

already existing public records. Further, it does not require an agency to create a document responsive to your requests. Notwithstanding, the WVDCR responds to your request as set forth in W.Va. Code §29B-1-3(d)(2). The records you seek, but not necessarily in the form you seek them in, are available for inspection by yourself or a designee at the office of the legal department for the WVDCR. They may be reviewed during normal business hours from 8:30 a.m. to 4:30 p.m., Monday through Friday. Prior to making your inspection, I ask you to contact the legal department at 304-558-2036 to schedule an appointment for your visit. Please be advised that some of the records you have requested may not be available because they do not exist.

To the extent you consider any portion of this response as a denial, the responsibility of the West Virginia Division of Corrections and Rehabilitation to respond to your initial request is at an end. If you feel the information contained in this response is contrary to law you may institute an action for declaratory and/or injunctive relief in the Circuit Court of the county in which you assert the records are kept, subject to all jurisdictional procedural prerequisites, which are specifically not waived.

Sincerely,



Leslie Marion
FOIA Coordinator